

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

No. 1:15-cr-10256-RGS

UNITED STATES OF AMERICA,
Plaintiff

Vs.

JOSE PEREZ, JR.
Defendant

**AGREED UPON MOTION TO RELEASE JOSE PEREZ, JR. FROM
PRETRIAL DETENTION**

Jose Perez, Jr., by his attorney, moves pursuant to 18 U.S.C. §3145(b) that this Court reconsider its prior order of detention and release Mr. Perez Jr. from confinement. The government agrees to this motion for release of Mr. Perez Jr. subject to review by probation for a suitable residence.

The current coronavirus pandemic presents evidence and information not previously available or presented to the court for consideration of the release v. detention paradigm. In its previous order of detention, this court concluded that the government met its burden of proving by clear and convincing evidence that there were no conditions of release that would reasonably ensure the safety of the community after the defendant agreed to detention. This was before the coronavirus pandemic attacked all aspects of life in America and the world.

Mr. Perez Jr. has asthma that is one of the high risk factors for severe complications of Covid-19. He has also been ill with undiagnosed intestinal issues and generalized pain, causing a thirty-pound weight loss from the period of November 2019 to date when he was moved from Wyatt Detention Center to Plymouth County Correctional Center where is currently held. Mr. Perez Jr. was briefly hospitalized last week and quarantined when he returned, presumably because of his high-risk status.

With regard to conditions of confinement at PCCF, as of March 28, 2020, COVID-19 infections were reported in staff, and suspected infection among at least three inmates. The conditions of confinement at PCCF remain unchanged with inmates unable to follow the six-foot safe distance mandates that mirror general conditions in all detention facilities¹. Mr. Perez Jr. requests that he be released with the condition that he reside, home confined, with his aunt, Josefa Pelaez in Lynn, MA. Mr. Perez will agree to electronic monitoring if available. The address has been provided to the probation office and government.

¹ In an effort to focus directly on this request for conditions of release, counsel has elected to not encumber the pleading with the volume of affidavits and declarations describing the realities of the coronavirus, COVID-19, as relates to detention and detention at PCCF. The Court is asked to take judicial notice of these facts.

Defense counsel has conferred with probation and the Government. Mr. Perez Jr. also has an open case in the matter of U.S. v. Jose Perez, Jr., Docket No. 18:40034-TSH involving allegations of Conspiracy to Distribute Controlled Substances and Possession of Firearms in Furtherance of a Drug Trafficking Conspiracy. The Government in the instant case is also prosecuting the referenced case and assents to this motion. A motion for release from detention was filed in the open case on 4/8/2020. Probation has indicated that upon the filing of this motion, they will conduct a home inspection in whatever manner possible.

Mr. Perez requests permission to leave home confinement only for medical needs.

Respectfully Submitted,
Jose Perez, Jr.
By his counsel,

Date: 04/09/2020

/s/ Vivianne Jeruchim
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on April 9, 2020.

Date: 04/09/2020

/s/ Vivianne Jeruchim
Vivianne Jeruchim, Esq.